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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 31 March 2004 from the Permanent Mission of Mongolia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Mongolia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to submit the report of Mongolia in accordance with paragraphs 6 and 12 of resolution 1455 (2003) (see annex).

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Annex to the note verbale dated 31 March 2004 from the Permanent Mission of Mongolia to the United Nations addressed to the Chairman of the Committee

Report of the Government of MONGOLIA pursuant to paragraphs 6 and 12 of resolution 1455(2003)

Introduction

On October 3, 2001, the President of Mongolia issued a Decree No 60 requesting the Government to exert efforts towards implementing the UN Security Council resolutions 1267 (1999), 1333 (2000), 1368 (2001), 1373 (2001), pursuant to which Resolution No.226 of the Government of Mongolia was adopted on October 10, 2001. These documents have created a national legal framework for further actions to uphold the sanctions regime against the Al-Qaida and Taliban. A more detailed information on the immediate response of the Government of Mongolia and the provisions of the above two documents can be found in its report submitted to the Counter-Terrorism Committee in November, 2001 (S/2001/1135) and supplementary report of October, 2002 (S/2002/1152).

Mongolia is a landlocked country with only two neighboring countries, the People's Republic of China and the Russian Federation, and is therefore not located in direct proximity of main areas of Al-Qaida and Taliban operations. To date, the Government of Mongolia has not received or obtained any information on possible activities by Usama bin Ladin, Al-Qaida, and their associates in the country. None of Mongolian nationals or residents has ever been included in the 1267 Committee's List of individuals and entities referred to in paragraph 2 of resolution 1390 (Consolidated List) and the Mongolian authorities do not possess any information to the contrary.

The threat of terror acts by Al-Qaida or its associates, or acts of terror in general, is currently assessed as low by the competent authorities in Mongolia. Nevertheless, according to the General Intelligence Department's expert opinion, the socio-economic hardships faced by the country, in terms of widespread poverty and related negative phenomena could possibly serve as a breeding ground for extremist organizations to disseminate and propagate their ideas. It also cannot be ruled out that terrorist groups and organizations could try to use the unique geographical situation of Mongolia for hostile activities against our two immediate neighbors. It is well known that separatist groups in Xinjiang-Uighur Autonomous Region in the People's Republic of China, which shares a common border with Mongolia's two westernmost provinces, on a number of occasions have resorted to terrorist acts as a means to achieve their goals. The low population density of Mongolia coupled with its vast territory and poor infrastructure, make it enormously difficult to effectively monitor the activities on the ground in many remote places. The reference in 1267 Committee's List to Global Relief Foundation, Benevolence International Foundation as having their other locations in both the Russian Federation and People's Republic of China, proves that our country cannot feel itself completely immune from terrorism.

With a view to strengthening the national capacity to detect possible activities by terrorist individuals or their associates in the country the General Intelligence Department has stepped up its cooperation and information sharing with its partner foreign intelligence agencies and created a database on international terrorism and related offences. The Department works in close and constant contact with our overseas diplomatic and consular missions, National Central Bureau of INTERPOL, Police Department, State Border Troops Administration and Office of Immigration, Naturalization and Foreign Citizens, and has established a separate unit to exclusively deal with prevention of terrorism and inter-department coordination in case of imminent threat.

II. Financial and Economic Assets Freeze

The Bank of Mongolia has undertaken a set of measures designed to prevent the possible leakage of terrorist assets and other financial and economic resources into the Mongolian banking system. It has circulated official note No. 1/1627 of October 4, 2001 of the Governor of the Bank of Mongolia, concerning the possible movement of terrorist assets through accounts in Mongolian banks and requesting them to inform without delay, if any suspicious assets are discovered. The Bank also regularly distributes the 1267 Committee's List of individuals and entities referred to in paragraph 2 of resolution 1390 (Consolidated List) to all financial and banking institutions. So far no incidence report has been received.

In June 2003, experts from the Bank of Mongolia and IMF jointly developed a draft law of Mongolia on "the Suppression of the Money Laundering and Terrorism Financing", based on 8 Special Recommendations on Terrorism Financing issued by the Financial Action Task Force on Money Laundering in 2001 and 40 revised recommendations thereof. The draft law was approved at a Cabinet meeting held on 11 February 2004, and will be considered by the Parliament in the nearest future. Moreover, the Bank of Mongolia, jointly with the Ministry of Justice and Home Affairs, is currently working to incorporate the financing of terrorism as a crime into the Criminal Code, and accordingly amend the Criminal Procedure Code by including a provision on freezing of terrorist assets.

Furthermore, in December last year the State Great Khural (Parliament) of Mongolia ratified the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, signed by Mongolia on 10 November 2001. According to the 1992 Constitution of Mongolia, "the international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession." (Article 10.3) Thus, with the ratification of the 1999 UN International Convention for the Suppression of the Financing of Terrorism all of its provisions have become a part of the national legislation in Mongolia.

III. Travel Ban

Relevant precautionary measures to prevent the entry into and transit through the territory of Mongolia of the Listed individuals are being taken, including those aimed at effective border controls, and controls on issuance of travel documents and identity papers through measures for preventing their counterfeiting, forgery or fraudulent use. For example, since 2002, new passports meeting international standards and protected against forgery and counterfeiting have been adopted. An integrated database on visitors is being set up, and information sharing with competent national organizations has become routine.

The 1267 Committee's List serves as one of the main sources for actions to be taken with regard to prevention and suppression of terrorist acts. The Ministry of Foreign Affairs distributes the List to all Mongolian overseas diplomatic and consular missions with an instruction to check all incoming visa applications against the List. Moreover, the consular officials abroad are to transmit without delay any information on suspicious applications to the General Intelligence Department. The Ministry of Foreign Affairs also ensures that the List is promptly provided to police, immigration control and customs authorities.

To date, none of the listed individuals have been identified and subsequently stopped at border points, neither have our consular authorities identified any visa applicant whose name appeared on the List.

IV. Arms embargo

Mongolia does not possess facilities manufacturing or producing weapons and ammunition. It has established a system of strict control over the import, export and internal possession of firearms and other weapons. So far, there were no signs on the supply of weapons to terrorists, however the Ministry of Defence of Mongolia acting within the framework of activities pursuant to Directive of the Minister for Defence No 1a/505 is undertaking the following measures:

- The Ministry conducts a complete preliminary examination of the civilians and entities that purchase surplus military related equipment from storage facilities of the Armed Forces.

- Extensive measures in cooperation with respective law enforcement organizations and agencies are being taken in order to investigate the cases of firearm loss in the Armed Forces.

The country also does not and never has possessed any weapons of mass destruction. It is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction and the Nuclear Non-Proliferation Treaty.

After declaring its territory a nuclear-weapon-free zone in 1992 at the UN General Assembly, Mongolia adopted in 2000 the Law of Mongolia on its nuclear-weapon-free-status. According to the Law individuals, legal entities and foreign States are prohibited "to develop, manufacture or otherwise acquire, possess or have control over nuclear weapons" (4.1.1.), "station or transport nuclear weapons by any means" (4.1.2), transportation through the territory of Mongolia of components or parts thereof, as well as of nuclear waste or any other nuclear material designed or produced for weapons purposes is also prohibited (4.2). Moreover, the competent authorities of Mongolia have the right to gather information, stop, detain and search any suspected aircraft, train, vehicle, individual or group of persons (6.2). Mongolia has always been a staunch supporter and advocate of the International Atomic Energy Agency (IAEA)'s work in promoting global nuclear safety regime through Safeguards Agreements and Additional Protocols thereto. The Additional Protocol with the IAEA was concluded in December 2001.

V. Conclusion and Assistance

The Government of Mongolia has been steadfast in its actions against international terrorism, particularly the Al-Qaida and Taliban. In addition to a number of initiatives at various international fora aimed at streamlining the global fight against terrorism, it has taken extensive legislative and executive measures at the national level. Necessary precautions within our capacity are being taken to prevent the country from ever being used as a base or safe haven for Usama bin Ladin, Al-Qaida, Taliban and their associates.

Nevertheless, Mongolia believes that in order to enhance and intensify the counter-terrorism measures, it will need assistance, inter alia, in the following areas:

I. Legal expertise – learning best ways and practices in developing a appropriate legislation to ensure effective and full implementation of the provisions of relevant United Nations Security Council resolutions at the national level.

II. Training of national personnel – Organise training courses for national experts both in Mongolia and abroad. The areas of possible training would include police, immigration control, customs, taxation and financial supervision authorities, i.e. administrative machinery established to give practical effect to the relevant laws, regulations on combating terrorism.

III. Assistance to setting up of a protected integrated database and information system for border control, intelligence, police, consular and civil registration authorities.

IV. Capacity building of national customs authorities. The customs at the moment lacks the capacity to exercise effective control of exports, imports and transit of goods through the territory of Mongolia. The capacity building in this regard will include development of human resources and availability of necessary technical equipment, including for detection of dangerous or sensitive goods.